

**PLANNING AND COMMUNITY
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DEVELOPMENT SERVICES AGENCY

Planning and Community Development
Engineering, Surveying and Permit Services
Roads Department

June 11, 2012

File: Hydrogen Energy, California (HECA)
Zone Map No. 120

California Energy Commission
Attn: Robert Worl, Project Manager
1516 9th Street, MS-15
Sacramento, CA 95814-5512

DOCKET	
08-AFC-8A	
DATE	JUN 11 2012
RECD.	JUN 19 2012

**RE: Hydrogen Energy California – Amended Application for Certification (08-AFC-8A)
Response to Request for Agency Participation Letter – Dated May 15, 2012**

Dear Mr. Worl:

The Kern County Planning and Community Development Department is in receipt of the notice from the California Energy Commission, dated May 15, 2012, requesting Agency participation in the review of the amended application submitted to the California Energy Commission (CEC) on May 2, 2012 for the Hydrogen Energy California (HECA) Project. County Staff has worked with the CEC in the past to *coordinate* information on a variety of renewable energy projects, including large power plants, and will participate in review of this project. As such, we have developed a procedure for the effective management of this coordination role.

The purpose of this letter is to advise the CEC that the Kern County Board of Supervisors has designated the Kern County Planning and Community Development Department as the clearinghouse for all communications with the CEC. The Planning and Community Development Department will coordinate with other County Departments to compile suggested mitigation measures and comments for this project and this Department will present those items to the Board of Supervisors for direction prior to submittal to the CEC. The applicant has been advised that all communications pertaining to potential issues affecting County Departments, County jurisdiction, and potential mitigation measures for this project shall be coordinated through the Planning and Community Development Department and communications should not be represented to the CEC by the project applicant as having County concurrence.

After conducting a preliminary review of the application package submitted to the CEC, Staff provided comments to the applicant, dated June 11, 2012, in regards to our coordination of the project and which also requested the following items (The CEC was copied on this letter):

1. Staff noted that, in addition to the power generation facility, the CEC application also includes language which suggests that other uses may be planned beyond those permitted in the A zone. Specifically, language is included which states that the "Manufacturing Complex" portion of the project will produce products (including urea, urea ammonium nitrate [UAN] and anhydrous ammonia) that will be used for transportation and industrial applications. Staff indicated that the use of urea for manufacture of any products other than fertilizer for agricultural use will require Kern County applications for a General Plan Amendment (GPA) and a Zone Change (ZCC) for industrial land use designations. In order to determine if a GPA/ZCC will be required by Kern County, Staff requested written clarification from the applicant on this issue.

2. A signed Agreement for Cost Recovery form. This will be used to establish a work order that will be billed on a time and materials basis for work for coordination on this project.
3. A check made payable to the Kern County Planning Department for a deposit of \$10,990.00.
4. An Indemnification Agreement approved as to form by County Counsel, signed by the property owner(s).
5. The applicant was advised that the CA Department of Conservation Important Farmland Map of Kern County identifies the project site parcels as prime farmland and that all parcels are currently under a Williamson Act Land Use Contract. Therefore, the applicant was informed that the project will require the early cancellation of the land use contracts and the required applications were provided to the applicant for submittal to the County to begin processing of the request.
6. The applicant was also advised that while the use itself may not require discretionary action from the County at this time, there are requirements for conformity with the Kern County General Plan and compliance with other County regulations; including, but not limited to: General Plan Amendments to remove road dedication requirements if the facility will encroach into planned road right-of-way, potential land division actions if parcels are to be merged/adjusted; adherence to recent updates to the Zoning Ordinance Code (Sections: 19.81 and 19.86) regarding Outdoor Lighting and Landscaping, etc.

Staff is awaiting receipt of additional requested information from the applicant. Upon receipt of these materials, Staff will continue to coordinate with the CEC on review of this project and will process the request for a Cancellation of the Williamson Act Contract.

The County requests to be included on all future notifications and relevant correspondence pertaining to this project. Should you have any questions, please contact the Supervising Planner coordinating County review of this project, Jacquelyn Kitchen, at (661) 862-8619 or via email at kitchenj@co.kern.ca.us.

Sincerely,



Jacquelyn R. Kitchen, Supervising Planner
Advanced Planning Division

JK:jm